

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RAYMOND A. WELLS, SR., Register No. 16526,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4395-CV-C-NKL
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

On June 30, 2006, the United States Magistrate Judge recommended that defendants' motion to dismiss be granted and plaintiff's claims be dismissed, pursuant to the provisions of 42 U.S.C. § 1997e, unless an amended complaint was filed by July 17, 2006. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed. Neither has plaintiff filed an amended complaint.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's June 30, 2006 Report and Recommendation is adopted [29]. It is further

ORDERED that defendants' motion to dismiss for failure to exhaust administrative remedies is granted and plaintiff's claims against all defendants are dismissed, without prejudice, pursuant to 42 U.S.C. § 1997e [17].

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: July 28, 2006
Jefferson City, Missouri